

**BOARD OF SELECTMEN AND SEWER COMMISSIONERS' MEETING**  
**February 22, 2010**  
**Acton Town Hall**  
**Francis Faulkner Hearing Room**  
**7:00 P.M.**

**Executive Session, 6:30, Room 126**

Present: Paulina Knibbe, Peter Berry, Lauren Rosenzweig (late), Terra Friedrichs and Mike Gowing Town Manager Ledoux, Recording Secretary; Christine Joyce. The public portions of the meeting were televised.

Ms. Knibbe – Moved to open regular session meeting only to go into Executive Session to discuss land negotiations. Ms. Friedrichs - second. Roll Call Taken, All Ayes

Ms. Rosenzweig – Moved to go into Executive Session for the purpose of discussing Land Negotiations and Labor negotiations. Roll Call Taken, All Ayes and to adjourn into Regular Session at 7:00 p.m. in Room 204.

**CITIZENS' CONCERNS**

Jim Snyder Grant and Laurie Ulman spoke on behalf of Green Acton asking for support for Acton Cleanup Day. This is the 15<sup>th</sup> year of this clean up day, they will be holding this years activities on May 1st and will have a drop and swap section this year. They will also be part of the Hazardous Waste Day.

Resident from Central Street. She wanted to see 40B classes offered for ZBA

Brenda Cooper of Central Street wants more meetings.

Mr. Marathias of 66 Taylor Road reminded the Board about the petition and the discussion in January regarding trucks speeding, he asked for a status update.

John Horn of 101 Central Street agreed about notification of 40B's before it goes too far into the process.

**CHAIRPERSON'S UPDATE**

Ms. Knibbe announced that at the March 8<sup>th</sup> Selectmen's meeting there will be a public hearing on the OMR, WAVE project.

**OPERATIONAL MINUTE**

Steve announced the Town Common project has received tax credits and once the banks pick them up they will proceed to begin the project.

The Nursing Director noted two of the Nursing service patients turned 100 last week, the Board asked that we send them a birthday card with the Boards wishes and congratulations.

## **PUBLIC HEARINGS & APPOINTMENTS**

### **SENATOR ELDRIDGE, REPRESENTATIVES JENNIFER BENSON AND CORY ATKINS**

Ms. Rosenzweig noted that her assigned committees were on the subject of water resource protection,, waste water and the high cost of keeping pollutants out of the water supply. She asked what kinds of funds or bills had been filed to address them. Representative Eldridge noted he is working these issues and noted they are looking forward to change at the State level.

Ms. Rosenzweig asked about more transportation to go in to Boston and just get around town. Senator Eldridge noted that he was interested in increasing the gas tax in order to fund public transportation and other transportation improvements toward greener alternatives.

Mr. Berry asked about legislation pending Quinn Bill Police education incentive bill. He noted we were charged 50% and the State 50%. The State has withdrawn their share we may have to reimburse the full amounts and that we have budgeted full payment. Representative Benson noted she supports the legislation to address the Quinn Bill. Are towns really exposed to this litigation and the State told her no.

Representative Atkins agreed with Representative Benson that we want to address this cut, the money will not be there and we need to clean up the legislation so the towns are not left with financial exposure. Mr. Berry asked about Health Insurance Issues and we cannot make the changes that the State can without bargaining. Senator Eldridge spoke about the health insurance costs but they could not report on anything at this time. Representative Atkins said that she feels it needs to be changed and collective bargaining is not working here. She said we need to provide some sort of resolution. She noted Chelmsford's situation.

Ms. Knibbe spoke about joint resolution; the State will not be done until after our Town Meeting. Senator Eldridge said by mid-March will provide local aid resolution. He noted we will be getting local aid cuts and to budget a 10% cut. Ms. Knibbe spoke about 40B and one of difficulty it overrides local zoning. Is there any hope made to 40B to count our existing rental units in town toward our %10 affordable requirement? Have there been any other changes in 40B? Senator Eldridge said that he is frustrated that the Joint committee on Housing is not addressing the issue. There will be a binding referendum on the November ballot to repeal 40 B.

Ms. Knibbe asked for the same rules for health insurance. Representative Atkins spoke about her towns and noted the House of Representatives as priorities which would save the towns money, Health care GIC or by design and Quinn bill. Representative Benson said she supports Representative Atkins, it has to be one of the other GIC or by design, she said we will not give up on this issue and the costs associated.

Ms. Knibbe asked about the South Acton Train Station and Senator Eldridge is working on this.

Ms. Friedrichs asked about unfunded mandates and places where the Governor presses staff about growth and working on projects that get us in deeper and we are the ones paying for it. She also spoke about future growth and withdrawal limits from aquifers and asked for a status report on this issue to insure safe yields to protect our water.

Mr. Gowing asked Representative Atkins about a Concord resident that is pressing for local income tax and asked if they wanted to weigh in on it. They are looking for a way to keep Concord as diverse as possible. This is a grass roots effort and she does not know how far it will go, they propose to tax the wealth not the property tax which can put a high tax burden on someone whose property has a high value, but whose income may be much more moderate.

#### **BURGERDROME SPECIAL USE PERMIT, 257 MAIN STREET, INCREASE SEATING**

Ms. Friedrichs noted that they want to increase their seating. Ms. Rosenzweig complimented them on the improvements to the exterior (and interior) of the building. They plan on working on the siding closest to the Meineke property and make roof improvements some time within the next year, depending on available funds.

Ms. Rosenzweig- Move to approve the Special Use Permit for additional seating for the Burgerdrome. Ms. Friedrichs – second. UNANIMOUS VOTE

#### **INDOOR SPORTS, CHANGE OF LIQUOR MANAGER**

Ms. Millhome said that all the people working are TIPS trained. She has worked there for 15 years, working her way up to General Manager and now Liquor Manager. Ms. Friedrichs – Moved to approve. Ms. Rosenzweig – second. UNANIMOUS VOTE

#### **COMMUNITY PRESERVATION COMMITTEE ARTICLE PRESENTATION**

They will be meeting this week to review the 12 projects including the Caouette land acquisition, and will fully fund Open Space, Sachem Way, Community Housing and Theater III needs assessment as well as the Bruce Freeman Rail Trail and CPC administrative costs.

They discussed the windows for town hall and the test house. The test house is a period piece and if we don't keep it is forever lost to the community.

Ms. Rosenzweig asked about the window project being done in phases and does it add to the cost.

Ms. Knibbe wanted to know if they stage the windows and asked them to ask Dean about that.

Dore' Hunter spoke about the sponsors need to come in on time. The Test House is something that came at the last minute. Get it in early and don't have to rely on getting a waiver on the time line.

Open Space Acquisition Fund and they have reviewed and asked the BOS signed off on their projects.

Caouette Land was discussed and it was noted that we are still in negotiation on this. It was decided that the CPC should call an Executive Session to discuss the status of this proposal.

#### **PIPER LANE RESOLUTION**

Steve spoke about the Piper Lane lot and that there is no legal frontage on it. We wanted to sell the house and the funds would go back to the CPC. It was asked what we can do to sell the property. First remedy was to go to Town Meeting to get permission to sell it, and is

complicated. Second one would be acquire a vacant piece of land on Piper Road to give the house frontage.

Mr. Berry asked about where we could get the money in this year's budget. Steve felt we could use unexpended warrant article money. If we are going forward the Town should get the \$33,000 to purchase the vacant lot with the CPA monies being returned.

The Board asked Roland and Steve to prepare the articles for the next Board meeting.

### **STRETCH CODE**

Ms. Knibbe asked Chris Schnaffer to speak about the Stretch Code we hope will be adopted in Acton. It does not have any financial impact on any existing buildings. Impact will be on new construction in a town that has adopted the Stretch Code. It requires them to get tests-- urges a high level of efficiency. The benefits are to the potential to home buyers to save energy. The Town side would note the efficiency. They want to be considered a Green Community so we can get more funding that may be available.

Mr. Gowing asked about the status of the Stretch Code in other communities.

### **SUBURBAN MOBILITY**

Ms. Osman was present to explain the Suburban Mobility funding match article for this year's town meeting. They want the second years match voted at the Town Meeting. We need to hire a transportation coordinator once it is signed. Terra asked if this would need money upfront. We need to keep a running list of polices that have future costs as they are not noted in ALG. Ms. Osman said we need to be a reliable service, and start off with a big bang.

### **MILITARY PAY DIFFERENTIAL**

Ms. Rosenzweig discussed the issue and exploring how best to meet the military pay differential when employees have been called to service. Steve explained the choices; we could accept Chapter 137 at town meeting which would allow the town retroactive delta going back to Sept. 11<sup>th</sup>. They said perhaps a policy would be more flexible. Staff has worked through the policy and it has been worked with Town Counsel. Steve's recommendation was to go with the policy and then we would have flexibility. Ms. Knibbe noted that other towns have already done this; she would like to see the policy instead of going to Town meeting to accept Chapter 137. Steve was asked to go back to Counsel to ask about the policy. Ms. Friedrichs - Moved to approve this policy. Ms. Rosenzweig - second. 4-1 Mr. Berry Abstaining, Motion passes.

### **SELECTMEN'S BUSINESS**

#### **ALG/BUDGET DISCUSSION**

Ms. Knibbe asked Mr. Gowing and Ms. Friedrichs reported on back room consolidations. Mr. Gowing reported if they combined they would need space. Recreation would receive more opportunities to send out booklet four times per year.

Ms. Friedrichs reported on back office of the school and town with no clear direction of what the definition of back office activities were. They consulted the Munis vendor to see if we have the

modules at town hall. She recommended we look at combining. She suggested that the vendor go through what we have and take away the ones we don't use.

Ms. Knibbe discussed overlay. We have a surplus in overlay and we could ask the Assessors to release the money into free cash.

Ms. Knibbe Moved to ask the Town Manager to ask the Assessors release the 1,320K. Mr. Gowing - second. 4-1 Ms. Friedrichs, Nay. Motion passes.

Ms. Knibbe discussed her Finance Committee presentation for the 25<sup>th</sup> of February. Mr. Gowing asked about the Green Acton funding. Ms. Friedrichs spoke about the assets and that we have a list of obligations.

Ms. Rosenzweig was supportive of the reuse of the unexpended warrant articles to make the Town safer.

Peter Ashton commented on Steve and Fincom finding the funds. He suggested that the then Board had been lied to by the Manager and Asst. Manager. Over ½ of a Million in funds, we needed the money and were told by them that it would flow to free cash, it never happened. He noted his outrage about this situation.

Ms. Rosenzweig expressed that we have needs on the town side also. She felt ALG needed to know that the town side was short also.

Do we take the money and fund things we have cut out of the budget, or use it to reduce the use of reserves.

Ms. Rosenzweig said we need to put the money to our most critical needs.

## **SELECTMEN'S REPORTS**

Ms. Rosenzweig spoke about three warrant articles that will be on town Meeting with regard to water.

Ms. Rosenzweig spoke about the Spencer Tuttle analysis for that location.

Mr. Berry reported on the train station site visit and the letter writing to consider other alternative to the one they presented. Health Trust will be meeting to set rates

Ms. Friedrichs noted her work on the train station. Ms. Friedrichs spoke about the upcoming Site Plan by WAVE proposal and hopes that it is an open forum for comments. Ms. Knibbe said it would be for citizens to speak.

COD is sending out the mailing with the census and it will be handled privately.

## **2010 ANNUAL TOWN MEETING**

No discussion

## **OTHER BUSINESS**

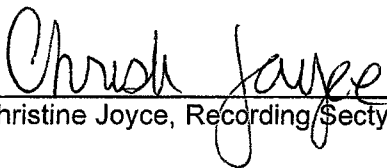
Ms. Rosenzweig - Move to extend the Town Manager's contract one year. Ms. Friedrichs second UNANIMOUS

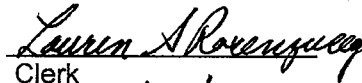
Ms. Friedrichs - Move to encourage him not to cut his salary. Ms. Knibbe second –  
UNANIMOUS VOTE  
**CONSENT**

Mr. Gowing – Moved to accept the consent items. Ms. Friedrichs – second. UNANIMOUS  
VOTE.

### **EXECUTIVE SESSION**

Ms. Rosenzweig – Moved to go into Executive Session for the purpose of discussing Labor  
Negotiations. Roll Call Taken, All Ayes and to adjourn into Regular Session at 7:00 p.m. in  
Room 204.

  
Christine Joyce, Recording Secty

  
Clerk  
Date: 3/22/10

**BOARD OF SELECTMEN & SEWER COMMISSIONERS'**  
**MEETING AGENDA**

*Francis Faulkner Hearing Room*  
*February 22, 2010*  
*7:00 PM*

**EXECUTIVE SESSION – 6:30 P.M. Room 126**

**EXECUTIVE SESSION – 6:30 – 7:00 TO DISCUSS LABOR NEGOTIATIONS**

Corrected 2/22/10 - #5 from 8:50 to 8:05

**I. CITIZENS' CONCERNS**

**II. PUBLIC HEARINGS AND APPOINTMENTS**

**1. 7:05 CHAIRMAN'S UPDATE**

The Chair will briefly update the Board on Topics of interest

**2. 7:10 OPERATIONAL MINUTE**

The Town Manager will provide a brief report on topics of interest

**3. 7:20 SENATOR JAMES ELDRIDGE**

**ISSUE:** Annual Update

**4. 7:50 BURGERDROME SPECIAL USE PERMIT, 257 MAIN STREET,  
INCREASED SEATING**

**ISSUE:** Request to increase seating, Please note, large plans will be with your hard packet for Monday

**5. 8:05 INDOOR SPORTS, CHANGE OF LIQUOR MANAGER FROM JEN  
RYDER TO CATHERINE MILHOMME, MATERIALS ENCLOSED**

**ISSUE:** New Manager, Please find materials in the subject regard

**6. 8:15 COMMUNITY PRESERVATION COMMITTEE (CPC) ARTICLE  
PRESENTATION**

**ISSUE:** CPC will present Articles for Annual Town Meeting

**7. 8:45 PIPER LANE RESOLUTION**

Enclosed please find materials in the subject regard

**8. 8:55 STRETCH CODE**

Green Advisory Board will present Stretch Code Warrant Article for BOS consideration

**9. 9:15 SUBURBAN MOBILITY**

Transportation Advisory Committee will present Suburban Mobility Article for consideration

**10. 9:25 MILITARY PAY DIFFERENTIAL**

Enclosed please find materials in the subject regard

**III. SELECTMEN'S BUSINESS**

**11. ALG/BUDGET DISCUSSION**

Enclosed please find materials in the subject regard

**12. SELECTMEN'S REPORTS**

**13. 2010 ANNUAL TOWN MEETING WARRANT**

Enclosed please find materials in the subject regard

**OTHER BUSINESS**

**IV. CONSENT AGENDA**

**14. GRANT OF SIDEWALK EASEMENT, 54 PROSPECT STREET**

Enclosed please find materials in the subject regard

**15. W.R. GRACE CONSERVATION RESTRICTION FROM THE SETTLEMENT AGREEMENT OF 9/4/09**

Enclosed please find materials in the subject regard

**16. ACCEPT GIFT, RECREATION DEPARTMENT**

Enclosed please find a gift valued at \$300.00 from Verizon Fios Marketing, to be used to support Winter Carnival

**17. ACCEPT GIFT, TRANSITIONAL HOUSING NEEDS**

Enclosed please find a gift valued at \$500.00 from Lynn Hughes and Charles Wright to be used to help Acton residents in need of assistance

**18. ACCEPT GIFT, SERVE OIL FUND**

Enclosed please find a gift valued at \$25.00 from Pat Clifford and Robert Finley to be used to fund the SERVE Oil Program

**19. DISPOSAL OF SURPLUS MATERIALS**

Enclosed please find a request from Merrily Evdokimoff, Nursing Director, to donate surplus Syringes to IMEC America for use in Haiti

**20. ONE DAY LIQUOR LICENSE**

Enclosed please find materials in the subject regard



**21. BIKE LOCKER RENTAL FEES**

Enclosed please find the Town Planner's recommendation regarding the 2010 season

**22. DISPOSAL OF OBSOLETE MATERIALS, MEMORIAL LIBRARY**

Enclosed please find materials in subject

**23. DISPOSAL OF SURPLUS MATERIALS**

Enclosed please find a request from the Council on Aging Director to donate surplus walkers and other durable medical equipment to IMEC America for use in Haiti

**V. EXECUTIVE SESSION**

**There will be a need for Executive session to discuss Labor Negotiations at 6:30 p.m.**

**ADDITIONAL INFORMATION**

Enclosed please find additional correspondence that is strictly informational and requires no Board action.

**FUTURE AGENDAS**

To facilitate scheduling for interested parties, the following items are scheduled for discussion on future agendas. This is not a complete agenda

**MARCH 8 - SITE PLAN & USE PERMIT (531 MASS AVE. LLC), SALERNO'S COMMON VICTUALLER AND FULL ALCOHOLIC BEVERAGE LICENSE, 255 MAIN STREET**

**MARCH 22 – SALERNO'S SPECIAL USE PERMIT, 255 MAIN STREET**

**MARCH 29 – (NO AGENDA ITEMS AT THIS TIME)**

**MINUTES PENDING VOTES**

Budget Saturday, January 11, January 25, February 1, February 8

**PENDING COMMITTEE APPOINTMENTS**

**David Lutz** – working with the VCC to select a committee he would like to serve on.

**Mary Spinosa-Wilson** – to fill an unexpired term on the Acton Boxborough Cultural Council (ABCC)

**Linda Mayer** – interested in ABCC, sent to VCC for interview